

Ordinance No. 119278

Council Bill No. 112303

Relating to preemployment drug testing, affirming the City's interim drug testing program, adopting a regular preemployment drug testing program for nonincumbent applicants for employment positions which include particular job duties, adopting legislative findings regarding the need for preemployment drug testing, and authorizing the Executive Service Department to continue to implement the City's drug testing program.

CF No. _____

Date Introduced: <u>AUG 31 1998</u>		
Date 1st Referred:	To: (committee)	<u>Finance & Budget Committee</u>
<u>AUG 31 1998</u>		
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote:	
<u>12-7-98</u>	<u>9-0</u>	
Date Presented to Mayor:	Date Approved:	
<u>12-7-98</u>	<u>DEC 10 1998</u>	
Date Returned to City Clerk:	Date Published:	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
<u>DEC 14 1998</u>	<u>3 PM</u>	
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: CHOE
Councilmember

Committee Action:

12-2-98 Pass 4-0 AS Amended (E)

12-7-98 Full Council: Passed As A

This file is complete and ready for presentation to Full Council. Committee

NO DISK

Law Dept. Review

OMP
Review

City Clerk
Review

Electronic
Copy Loaded

me
The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: CHOE
Councilmember

Committee Action: (E)

12-2-98 Pass 4-0

12-7-98 Full Council: Passed As Amended 9-0

This file is complete and ready for presentation to Full Council. Committee

as amended
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Budget

1998

T.O. ☒
F.T. ☐

GEK
December 7, 1998
DRGTST-F.ORS
V #3

ORDINANCE

119278

AN ORDINANCE relating to preemployment drug testing; affirming the City's interim drug testing program, adopting a regular preemployment drug testing program for nonincumbent applicants for employment positions which include particular job duties, adopting legislative findings regarding the need for preemployment drug testing, and authorizing the Executive Services Department to continue to implement the City's drug testing program.

WHEREAS, in January 1995, the City of Seattle adopted a U.S. Department of Transportation mandated drug testing program for those employment positions which required a commercial drivers license (CDL);

WHEREAS, in July 1, 1996, the City established a preemployment drug testing program for all applicants for City employment;

WHEREAS, on November 24, 1997, the City Council adopted Resolution No. 29671, which:

1) provided that the City's drug testing program should continue to include drug and alcohol testing for CDL positions and other classes of employees in a manner consistent with federal and state requirements; and,

2) authorized the Seattle Executive Services Department, Personnel Division ("ESD") to implement an interim preemployment drug testing program whereby testing would be limited to applicants for vacancies in employment classifications which involve the following job duties: public safety responsibilities; the direct handling of City funds; handling of dangerous substances; hazardous physical activities; routine operation of motor vehicles, heavy equipment, or power tools; other safety-sensitive activities; and anyone working directly with minors;

WHEREAS, in December 1997, ESD developed an interim preemployment drug testing policy and guidelines to implement Resolution 29671;

WHEREAS, ESD reported on the interim preemployment drug testing program to the City Council on February 6, 1998;

AND WHEREAS, ESD, based on its experience administering the interim policy, hereby presents for legislative enactment as regular city-wide policy a preemployment drug testing program;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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GEK
December 7, 1998
DRGTST-F.OR5
V #3

1 Section 1. The Seattle City Council adopts "Legislative Findings in Support of
2 Preemployment Drug Testing", Attachment A.

3 Section 2. Based on the legislative findings, the City Council affirms the interim
4 preemployment drug testing policy and guidelines developed by ESD to implement
5 Resolution 29671.

6 Section 3. Based on the legislative findings, the City Council also hereby adopts the
7 following policy on preemployment drug testing. Guidelines developed pursuant to Sections
8 3 and 4 of this ordinance shall be consistent with the following policy:

9 a. **Positions subject to testing program limited by duties.** Pre-employment drug
10 testing conducted pursuant to this ordinance shall be limited to city employment positions
11 for which the job duties include: 1) public safety responsibilities; 2) handling dangerous
12 substances; 3) hazardous physical activities; 4) routine operation of motor vehicles, heavy
13 equipment, or power tools; and 5) routine performance of other safety sensitive activities;

14 b. **Testing limited to non-incumbent applicants.** Pre-employment drug testing
15 conducted pursuant to this ordinance shall be limited to nonincumbent applicants (no testing
16 for current city employees applying for vacancies in positions subject to the testing
17 program);

18 c. **Accuracy and reliability of test results.** Guidelines developed pursuant to
19 Sections 3 and 4 of this ordinance shall include provisions designed to ensure the accuracy
20 and reliability of the testing process;

21 d. **Use of individual test results limited.** Drug test results identifying an individual
22 applicant by name shall be used by the City only for the purpose of making hiring decisions
23 regarding that individual applicant. Results not identifying applicants by name may be used
24 for program evaluation and other research purposes; and,

25 e. **Notice to applicants.** Notice that applicants for a particular position will be
26 tested shall, when practical, be included in the job announcement for the position.

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December 7, 1998
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V #3

1 Section 4. The Executive Services Department, Personnel Division (ESD), which
2 was authorized to administer the interim preemployment drug testing program and to
3 develop guidelines for its implementation, is authorized to administer the preemployment
4 drug testing program described in Sections 2 and 3 of this ordinance, and to develop,
5 implement, and modify as needed guidelines to administer the program. Such guidelines
6 shall include provisions to implement Sections 2 and 3 of this ordinance.

7 Section 5. Actions taken consistent with and prior to the effective date of this
8 ordinance are hereby ratified and confirmed.

9 Section 6. This ordinance shall take effect and be in force thirty (30) days from and
10 after its approval by the Mayor, but if not approved and returned by the Mayor within ten
11 (10) days after presentation, it shall take effect as provided by Municipal Code Section
12 1.04.020.

13 Passed by the City Council the 7th day of December, 1998, and signed by me
14 in open session in authentication of its passage this 7th day of December,
15 1998.

16 Suparna L.
17 President of the City Council
18

19
20 Approved by me this 10th day of December, 1998.
21

22 Paul S. S. S.
23 Mayor
24

25
26 Filed by me this 14 day of December, 1998.
27

28 Joseph E. Lopez
29 City Clerk
30

31
32 (Seal)
33
34

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ATTACHMENT A

LEGISLATIVE FINDINGS in SUPPORT OF PREEMPLOYMENT DRUG TESTING

- 1) Drug abuse in the work place is a national problem. Recent studies show that the majority of all current illicit drug users aged 18 and older are employed, either full-time or part-time, and a high percentage of workers acknowledge that drug use occurs in their work place.
- 2) Drug abuse in the work place exists within the City. Random drug testing of incumbent City employees has uncovered a number of employees who have tested positive for drug use. Several of these employees had a history of significant disciplinary incidents, performance-related problems, and a high number of compensation claims filed.
- 3) Nationwide, illegal drug abuse has resulted in substantial losses to the U.S. economy. These drug abuse-related losses are due in part to lost employee productivity, absenteeism, turn-over costs, increased health care utilization, an increase in workplace accidents and injuries, a higher incidence of workers' compensation claims, and losses from impaired judgment and creativity.
- 4) Illegal drug abuse by City employees results in large economic and productivity losses for the City. The results of random drug testing by the City show that employees abusing drugs have more industrial injuries than employees without substance abuse problems. This testing also demonstrates that City employees testing positive for substance abuse have filed a higher number of workers compensation claims than have employees testing negative. City comparisons further indicate that employees testing positive used more sick leave as a group than the employees who tested negative for illegal drug use.
- 5) Preemployment drug testing is utilized widely by both public and private employers within the State of Washington and nationally. The majority of employers with workforces exceeding one hundred employees perform drug testing. In Seattle's labor market, most private employers test new applicants for illegal drug use; nationwide, almost all of the Fortune 200 companies conduct drug testing.

On the federal level, several agencies have implemented mandatory drug testing regulations for employees holding specific positions or performing certain job tasks. Within Washington, numerous other public agencies conduct workforce-wide preemployment drug testing, including the cities of Spokane, Tacoma, Bellingham, Bremerton, Vancouver and Everett as well as the Pierce County Transit Authority. As with these employers, the City of Seattle has an overriding interest in selecting employees who are both healthy and free of substance abuse behaviors that could affect their ability to work safely and efficiently.
- 6) If drug testing is used only by the City's private employers, the City may become a last resort employer for individuals with substance abuse problems: a repository for persons with drug problems who see the City as their exclusive opportunity for employment. To avoid this problem, studies strongly recommend that public employees be subject to the same substance abuse testing policies and procedures as employees in the private sector.

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1 The City is committed to hiring efficient, productive, and safe employees to serve the
2 citizens of Seattle, and pre-employment drug testing is a reasonable and effective tool for the
3 City to use in pursuit of this goal.

4
5 7) Individuals who abuse drugs do apply for City employment. Having, and
6 publicizing, a drug free workplace/drug testing policy deters some at-risk applicants from
7 applying with the City and correctly and fairly identifies those applicants who are abusing
8 drugs. As a result of the pre-employment drug testing, several applicants have been
9 prevented from becoming City of Seattle employees because of illegal drug use. The
10 deterrent effect of the testing program is evidenced by the correlation between a narrowing
11 of the testing program and an all time high in testing failures. Some applicants explained
12 that they thought the City had abandoned drug testing altogether and thus they would not be
13 caught using drugs.

14
15 8) The City utilizes several programs to identify illegal drug use among incumbent
16 employees. While these programs are reasonably effective in identifying illegal drug use
17 among incumbent employees, they are ineffective in identifying drug users among new
18 applicants because, unlike with incumbent employees, the City has had a relatively limited
19 relationship with the new applicants and it possesses relatively little information about these
20 individuals. This lack of a more substantial, on-going relationship and the lack of
21 information make it extremely difficult for the City to determine if a new applicant uses
22 illegal drugs.

23 The City's on-going relationship with its incumbent employees enables the City to
24 observe these individuals in the workplace, evaluate their work product and safety record,
25 and review their attendance for excessive lateness or absenteeism in order to determine if
26 they are abusing drugs. No comparable opportunity exists with respect to new applicants.
27 In light of the well documented problems that are associated with the abuse of drugs by
28 employees -- increased absenteeism, diminished productivity, greater health costs, increased
29 safety problems, potential liability to third parties and more frequent turnover -- the City has
30 a legitimate interest in determining whether persons to be employed in any position
31 currently are abusing drugs. Pre-employment drug testing of all non-incumbent applicants
32 for selected City jobs is the most effective way to screen applicants for those positions for
33 illegal drug use.

34
35 9) National and local studies and statistics indicate that employers who utilize a
36 program of pre-employment drug testing experience a reduction in employee injuries and
37 accidents. The City of Seattle has a compelling interest in protecting the health and safety of
38 its employees and of the public served by these employees, and in preventing and reducing
39 injuries and accidents involving City employees. City studies demonstrate that correlative
40 with the drug testing program, workers' compensation claims have decreased. Also, the
41 preemployment drug testing program has identified a large number of drug users who were
42 not hired, potentially preventing substance abuse-related accidents and injuries and
43 protecting employees and the public from the consequences of drug-abuse related conduct.

44
45 10) It is the policy of the City of Seattle to take reasonable steps to ensure that its
46 employees perform their duties and responsibilities free from the influences of illegal drugs.
47 The City's pre-employment drug testing process is a reasonable, minimally intrusive method
48 for ensuring that the City maintains a safe working environment for its employees and

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1 provides to the public safe, productive, and efficient services. Unlike most other public
2 jurisdictions in the State of Washington, the City's current preemployment drug testing
3 policy only tests persons whose job duties fall into specific categories: (1) public safety
4 responsibilities; (2) handling of dangerous substances; (3) performing hazardous physical
5 activities; (4) routine operation of motor vehicles, heavy equipment or power tools; and (5)
6 other safety-sensitive activities. When practical, job announcements for drug tested
7 positions provide notice to potential applicants that the open position is one that requires a
8 pre-employment drug test. To ensure the accuracy and confidentiality of its pre-employment
9 drug testing program, the City has established strong program guidelines, procedures, and
10 policies.

11
12 11) The City implemented preemployment drug testing for almost all external hires for
13 three primary reasons: (1) to ensure a safe workplace, (2) to maintain a drug free workplace
14 to comply with the Federal Drug Free Workplace Act of 1988 and (3) to avoid economic
15 losses from employee substance abuse. The testing program continues to justify itself as an
16 effective means of achieving these three goals, as it has resulted in lowered workers'
17 compensation claims filed, less sick leave used, and the avoidance of hiring applicants who
18 test positive for illegal drug use.

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Changes to Drug Testing Ordinance

Substantive Change:

- 1) Section 3. Page 2, lines 8 through 10 -- eliminated item 2) "direct handling of City funds" as a job duty, and renumbered the remaining items.

Clerical changes:

- 1) Section 3. Page 2, line 4 -- Changed reference to "Guidelines developed pursuant to Sections 3 and 4 of this ordinance"
- 2) Section 3. Page 2, line 15 -- Changed reference to "Guidelines developed pursuant to Sections 3 and 4 of this ordinance"
- 3) Section 4. Page 3, lines 4 and 5 -- changed references to "Sections 2 and 3 of this ordinance"

*Reflecting
amendments to
earlier
version*

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ORDINANCE _____

AN ORDINANCE relating to preemployment drug testing; affirming the City's interim drug testing program, adopting a regular preemployment drug testing program for nonincumbent applicants for employment positions which include particular job duties, adopting legislative findings regarding the need for preemployment drug testing, and authorizing the Executive Service Department to continue to implement the City's drug testing program.

WHEREAS, in January 1995, the City of Seattle adopted a U.S. Department of Transportation mandated drug testing program for those employment positions which required a commercial drivers license (CDL);

WHEREAS, in July 1, 1996, the City established a preemployment drug testing program for all applicants for City employment;

WHEREAS, on November 24, 1997, the City Council adopted Resolution No. 29671, which:
1) provided that the city's drug testing program should continue to include drug and alcohol testing for CDL positions and other classes of employees in a manner consistent with federal and state requirements; and,
2) authorized the Seattle Executive Services Department, Personnel Division ("ESD") to implement an interim preemployment drug testing program whereby testing would be limited to applicants for vacancies in employment classifications which involve the following job duties: public safety responsibilities; the direct handling of City funds; handling of dangerous substances; hazardous physical activities; routine operation of motor vehicles, heavy equipment, or power tools; other safety-sensitive activities; and anyone working directly with minors;

WHEREAS, in December 1997, ESD developed an interim preemployment drug testing policy, guidelines, and procedures to implement Resolution 29671;

WHEREAS, ESD reported on the interim preemployment drug testing program to the City Council on February 6, 1998;

AND WHEREAS, ESD, based on its experience administering the interim policy, hereby presents for legislative enactment as regular city-wide policy a preemployment drug testing program;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Seattle City Council adopts "Preemployment Drug Testing Ordinance-Legislative Findings", Attachment A.

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1 Section 2. Based on the legislative findings, the City Council affirms the interim preemployment
2 drug testing policy and guidelines developed by ESD to implement Resolution 29671.

3 Section 3. Based on the legislative findings, the City Council also hereby adopts the following
4 policy on preemployment drug testing. Guidelines developed pursuant to Section 4 of this ordinance shall
5 be consistent with the following policy:

6 a. **Positions subject to testing program limited by duties.** Pre-employment drug testing
7 conducted pursuant to this ordinance shall be limited to city employment positions for which the job duties
8 include: 1) public safety responsibilities; 2) direct handling of city funds; 3) handling dangerous
9 substances; 4) hazardous physical activities; 5) routine operation of motor vehicles, heavy equipment, or
10 power tools; 6) routine performance of other safety sensitive activities; or 7) working directly with
11 minors;

12 b. **Testing limited to non-incumbent applicants.** Pre-employment drug testing conducted
13 pursuant to this ordinance shall be limited to nonincumbent applicants. Curent city employees applying for
14 vacancies in positions subject to the testing program are exempt from the testing program;

15 c. **Accuracy and reliability of test results.** Guidelines developed pursuant to Section 3 of this
16 ordinance shall include provisions designed to ensure the accuracy and reliability of the testing process;

17 d. **Use of individual test results limited.** Drug test results identifying an individual applicant by
18 name shall be used by the City only for the purpose of making hiring decisions regarding that individual
19 applicant. Results not identifying applicants by name may be used for program evaluation and other
20 research purposes; and,

21 e. **Notice to applicants.** Notice that applicants for a particular position will be tested shall, when
22 practical, be included in the job announcement for the position.

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1 Section 4. The Executive Services Department, Personnel Division (ESD), which was authorized
2 to administer the interim preemployment drug testing program and to develop guidelines and procedures
3 for its implementation, is further authorized to continue to administer the preemployment drug testing
4 program described in Section 2 of this ordinance, and to develop, implement, and modify as needed
5 guidelines and procedures to administer the program.. Such guidelines shall include provisions to
6 implement Section 2 of this ordinance.

7 Section 5. Actions taken consistent with and prior to the effective date of this ordinance are
8 hereby ratified and confirmed.

9 Section 6. This ordinance shall take effect and be in force thirty (30) days from and after its
10 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
11 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

12 Passed by the City Council the ____ day of ____, 1998, and signed by me in open
13 session in authentication of its passage this ____ day of ____, 1998.

14
15 President ____ of the City Council

16 Approved by me this ____ day of ____, 1998.

17
18 _____ Mayor

19
20 Filed by me this ____ day of ____, 1998.

21
22 _____ City Clerk

23 (Seal)

24

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PREEMPLOYMENT DRUG TESTING ORDINANCE

(DRAFT Legislative Findings - Final legislative findings will depend upon Council action on this ordinance.)

The Seattle City Council finds as follows:

1. Preemployment drug testing is utilized widely by employers in the public and private sectors, both in Washington state and nationally.
2. It is the policy of the City of Seattle is to take reasonable steps to ensure that its employees perform their duties and responsibilities free of the influence of unlawful drugs;
3. The City of Seattle has a compelling interest in protecting the health and safety of its employees and the citizens of the City of Seattle, and in preventing and reducing injuries and accidents involving City employees;
4. The City's preemployment drug testing programs were implemented for several reasons: to ensure a safe workplace; to reduce accidents in which employees or members of the public may be injured; to comply with the Drug Free Workplace Act of 1988; and to reduce economic losses resulting from employee drug abuse.
5. National statistics show that 75% of drug users are employed; that employees abusing drugs are 3.6 times more likely to be involved in a workplace accident and 5 times more likely to file a workers' compensation claim than those not abusing drugs and alcohol; and that annual productivity losses from substance abuse amount to \$640 for each American worker.
6. National and local studies and statistics indicate that employers who utilize a program of preemployment drug testing experience a reduction in employee injuries and accidents.
7. The Drug Enforcement Agency has designated the Seattle area as one of several national "High Density Drug Area" (HIDA) sites, because of its large amount of illegal drug activity.
8. ESD recently issued its 1997 Drug Testing report in which it noted areas in which the City's administration of its drug testing programs could be improved to ensure the effectiveness of the programs.
9. The City has recently reviewed the initial results of its interim program of pre-employment drug testing for select positions and additional testing for holders of commercial driver's licenses (CDL), and has found the program to be effective in identifying those applicants who use illegal drugs;
10. The City currently has programs it utilizes to identify illegal drug use among incumbent employees;
11. Programs which are reasonably effective in identifying drug users among incumbent employees are ineffective in identifying drug users among new applicants, with whom the City has relatively little experience and about whom the City has relatively little information. Preemployment drug testing of all nonincumbent applicants for selected City jobs is the most effective way to screen applicants for those positions for illegal drug use.
12. When practical, the City includes in the job announcement for drug-tested positions notice to applicants that the position in question is subject to preemployment drug testing;
13. The data from the City's injury and drug testing statistics affirm that applicants who abuse drugs do apply for City employment; that having a drug free workplace/drug testing policy both deters some of these at-risk applicants from applying and correctly and fairly identifies those applicant who use drugs.
14. Since the inception of drug testing, six (including one CDL applicant), have been caught attempting to defraud the drug testing system, by submitting false or adulterated samples for testing. Because of the testing program, the City has avoided hiring dishonest applicants.

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15. As of June 20, 1998, 152 applicants have failed preemployment drug tests conducted pursuant to the interim policy;
16. "Seattle is a Drug Free Workplace" employment advertising may have deterred applicants who use drugs from applying for tested positions;
17. During the month of December 1997, after extensive press coverage of the City's modification of its drug testing program in November 1997, the applicant test failure rate jumped to an all time high (see attached charts). Some applicants told City officials they believed the City had stopped drug testing altogether (and that they would therefore not be detected);
18. The City's worker's compensation injury rate has been declining since 1996. The preemployment drug testing program appears to have contributed to the City's declining injury rate.

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AN ORDINANCE relating to preemployment drug testing; affirming the City's interim drug testing program, adopting a regular preemployment drug testing program for nonincumbent applicants for employment positions which include particular job duties, adopting legislative findings regarding the need for preemployment drug testing, and authorizing the Executive Services Department to continue to implement the City's drug testing program.

WHEREAS, in January 1995, the City of Seattle adopted a U.S. Department of Transportation mandated drug testing program for those employment positions which required a commercial drivers license (CDL);

WHEREAS, in July 1, 1996, the City established a preemployment drug testing program for all applicants for City employment;

WHEREAS, on November 24, 1997, the City Council adopted Resolution No. 29671, which:

1) provided that the City's drug testing program should continue to include drug and alcohol testing for CDL positions and other classes of employees in a manner consistent with federal and state requirements; and,

2) authorized the Seattle Executive Services Department, Personnel Division ("ESD") to implement an interim preemployment drug testing program whereby testing would be limited to applicants for vacancies in employment classifications which involve the following job duties: public safety responsibilities; the direct handling of City funds; handling of dangerous substances; hazardous physical activities; routine operation of motor vehicles, heavy equipment, or power tools; other safety-sensitive activities; and anyone working directly with minors;

WHEREAS, in December 1997, ESD developed an interim preemployment drug testing policy and guidelines to implement Resolution 29671;

WHEREAS, ESD reported on the interim preemployment drug testing program to the City Council on February 6, 1998;

AND WHEREAS, ESD, based on its experience administering the interim policy, hereby presents for legislative enactment as regular city-wide policy a preemployment drug testing program;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Seattle City Council adopts "Legislative Findings in Support of Preemployment Drug Testing", Attachment A.

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1 Section 2. Based on the legislative findings, the City Council affirms the interim preemployment
2 drug testing policy and guidelines developed by ESD to implement Resolution 29671.

3 Section 3. Based on the legislative findings, the City Council also hereby adopts the following
4 policy on preemployment drug testing. Guidelines developed pursuant to Sections 3 and 4 of this
5 ordinance shall be consistent with the following policy:

6 a. **Positions subject to testing program limited by duties.** Pre-employment drug testing
7 conducted pursuant to this ordinance shall be limited to city employment positions for which the job duties
8 include: 1) public safety responsibilities; ~~2) direct handling of City funds;~~ ~~3) handling dangerous~~
9 ~~substances;~~ ~~4) 3) hazardous physical activities;~~ ~~5) 4) routine operation of motor vehicles, heavy~~
10 ~~equipment, or power tools;~~ ~~6) 5) routine performance of other safety sensitive activities; or~~ ~~7) 6)~~
11 ~~working directly with minors;~~

12 b. **Testing limited to non-incumbent applicants.** Pre-employment drug testing conducted
13 pursuant to this ordinance shall be limited to nonincumbent applicants (no testing for current city
14 employees applying for vacancies in positions subject to the testing program);

15 c. **Accuracy and reliability of test results.** Guidelines developed pursuant to Sections 3 and 4 of
16 this ordinance shall include provisions designed to ensure the accuracy and reliability of the testing
17 process;

18 d. **Use of individual test results limited.** Drug test results identifying an individual applicant by
19 name shall be used by the City only for the purpose of making hiring decisions regarding that individual
20 applicant. Results not identifying applicants by name may be used for program evaluation and other
21 research purposes; and,

22 e. **Notice to applicants.** Notice that applicants for a particular position will be tested shall, when
23 practical, be included in the job announcement for the position.
24

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GEK
November 30, 1998
DRUGTST.ORS
(Ver.)

1 Section 4. The Executive Services Department, Personnel Division (ESD), which was authorized
2 to administer the interim preemployment drug testing program and to develop guidelines for its
3 implementation, is authorized to administer the preemployment drug testing program described in Sections
4 2 and 3 of this ordinance, and to develop, implement, and modify as needed guidelines to administer the
5 program. Such guidelines shall include provisions to implement Sections 2 and 3 of this ordinance.

6 Section 5. Actions taken consistent with and prior to the effective date of this ordinance are hereby
7 ratified and confirmed.

8 Section 6. This ordinance shall take effect and be in force thirty (30) days from and after its
9 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
10 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

11 Passed by the City Council the ____ day of ____, 1998, and signed by me in open
12 session in authentication of its passage this ____ day of ____, 1998.

13
14 _____
President ____ of the City Council

15 Approved by me this ____ day of ____, 1998.

16
17 _____
Mayor

18
19 Filed by me this ____ day of ____, 1998.

20
21 _____
City Clerk

22 (Seal)
23
24

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WHEREAS, on July 1, 1996, the City established a preemployment drug testing program for all applicants for City employment;

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2) authorized the Seattle Executive Services Department, Personnel Division ("ESD") to implement an interim preemployment drug testing program whereby testing would be limited to applicants for vacancies in employment classifications which involve the following job duties: public safety responsibilities; the direct handling of City funds; handling of dangerous substances; hazardous physical activities; routine operation of motor vehicles, heavy equipment, or power tools; other safety-sensitive activities; and anyone working directly with minors;

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1 Section 2. Based on the legislative findings, the City Council affirms the interim preemployment
2 drug testing policy and guidelines developed by ESD to implement Resolution 29671.

3 Section 3. Based on the legislative findings, the City Council also hereby adopts the following
4 policy on preemployment drug testing. Guidelines developed pursuant to Sections 3 and 4 of this
5 ordinance shall be consistent with the following policy:

6 a. **Positions subject to testing program limited by duties.** Pre-employment drug testing
7 conducted pursuant to this ordinance shall be limited to city employment positions for which the job duties
8 include: 1) public safety responsibilities; 2) handling dangerous substances; 3) hazardous physical
9 activities; 4) routine operation of motor vehicles, heavy equipment, or power tools; 5) routine
10 performance of other safety sensitive activities; or 6) working directly with minors;

11 b. **Testing limited to non-incumbent applicants.** Pre-employment drug testing conducted
12 pursuant to this ordinance shall be limited to nonincumbent applicants (no testing for current city
13 employees applying for vacancies in positions subject to the testing program);

14 c. **Accuracy and reliability of test results.** Guidelines developed pursuant to Sections 3 and 4 of
15 this ordinance shall include provisions designed to ensure the accuracy and reliability of the testing
16 process;

17 d. **Use of individual test results limited.** Drug test results identifying an individual applicant by
18 name shall be used by the City only for the purpose of making hiring decisions regarding that individual
19 applicant. Results not identifying applicants by name may be used for program evaluation and other
20 research purposes; and,

21 e. **Notice to applicants.** Notice that applicants for a particular position will be tested shall, when
22 practical, be included in the job announcement for the position.
23
24

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GEK
November 30, 1998
DRUGTST.ORG
(Ver.)

1 Section 4. The Executive Services Department, Personnel Division (ESD), which was authorized
2 to administer the interim preemployment drug testing program and to develop guidelines for its
3 implementation, is authorized to administer the preemployment drug testing program described in Sections
4 2 and 3 of this ordinance, and to develop, implement, and modify as needed guidelines to administer the
5 program. Such guidelines shall include provisions to implement Sections 2 and 3 of this ordinance.

6 Section 5. Actions taken consistent with and prior to the effective date of this ordinance are hereby
7 ratified and confirmed.

8 Section 6. This ordinance shall take effect and be in force thirty (30) days from and after its
9 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
10 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

11 Passed by the City Council the ____ day of ____, 1998, and signed by me in open
12 session in authentication of its passage this ____ day of ____, 1998.

13
14 President ____ of the City Council

15 Approved by me this ____ day of ____, 1998.

16
17 _____
18 Mayor

19 Filed by me this ____ day of ____, 1998.

20
21 _____
22 City Clerk

23 (Seal)
24

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ORDINANCE _____

AN ORDINANCE relating to preemployment drug testing; affirming the City's interim drug testing program, adopting a regular preemployment drug testing program for nonincumbent applicants for employment positions which include particular job duties, adopting legislative findings regarding the need for preemployment drug testing, and authorizing the Executive Services Department to continue to implement the City's drug testing program.

WHEREAS, in January 1995, the City of Seattle adopted a U.S. Department of Transportation mandated drug testing program for those employment positions which required a commercial drivers license (CDL);

WHEREAS, in July 1, 1996, the City established a preemployment drug testing program for all applicants for City employment;

WHEREAS, on November 24, 1997, the City Council adopted Resolution No. 29671, which:

1) provided that the City's drug testing program should continue to include drug and alcohol testing for CDL positions and other classes of employees in a manner consistent with federal and state requirements; and,

2) authorized the Seattle Executive Services Department, Personnel Division ("ESD") to implement an interim preemployment drug testing program whereby testing would be limited to applicants for vacancies in employment classifications which involve the following job duties: public safety responsibilities; the direct handling of City funds; handling of dangerous substances; hazardous physical activities; routine operation of motor vehicles, heavy equipment, or power tools; other safety-sensitive activities; and anyone working directly with minors;

WHEREAS, in December 1997, ESD developed an interim preemployment drug testing policy and guidelines to implement Resolution 29671;

WHEREAS, ESD reported on the interim preemployment drug testing program to the City Council on February 6, 1998;

AND WHEREAS, ESD, based on its experience administering the interim policy, hereby presents for legislative enactment as regular city-wide policy a preemployment drug testing program;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Seattle City Council adopts "Legislative Findings in Support of Preemployment Drug Testing", Attachment A.

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1 Section 2. Based on the legislative findings, the City Council affirms the interim preemployment
2 drug testing policy and guidelines developed by ESD to implement Resolution 29671.

3 Section 3. Based on the legislative findings, the City Council also hereby adopts the following
4 policy on preemployment drug testing. Guidelines developed pursuant to Sections 3 and 4 of this
5 ordinance shall be consistent with the following policy:

6 a. **Positions subject to testing program limited by duties.** Pre-employment drug testing
7 conducted pursuant to this ordinance shall be limited to city employment positions for which the job duties
8 include: 1) public safety responsibilities; 2) handling dangerous substances; 3) hazardous physical
9 activities; 4) routine operation of motor vehicles, heavy equipment, or power tools; or 5) routine
10 performance of other safety sensitive activities.

11 b. **Testing limited to non-incumbent applicants.** Pre-employment drug testing conducted
12 pursuant to this ordinance shall be limited to nonincumbent applicants (no testing for current city
13 employees applying for vacancies in positions subject to the testing program);

14 c. **Accuracy and reliability of test results.** Guidelines developed pursuant to Sections 3 and 4 of
15 this ordinance shall include provisions designed to ensure the accuracy and reliability of the testing
16 process;

17 d. **Use of individual test results limited.** Drug test results identifying an individual applicant by
18 name shall be used by the City only for the purpose of making hiring decisions regarding that individual
19 applicant. Results not identifying applicants by name may be used for program evaluation and other
20 research purposes; and,

21 e. **Notice to applicants.** Notice that applicants for a particular position will be tested shall, when
22 practical, be included in the job announcement for the position.
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1 Section 4. The Executive Services Department, Personnel Division (ESD), which was authorized
2 to administer the interim preemployment drug testing program and to develop guidelines for its
3 implementation, is authorized to administer the preemployment drug testing program described in Sections
4 2 and 3 of this ordinance, and to develop, implement, and modify as needed guidelines to administer the
5 program. Such guidelines shall include provisions to implement Sections 2 and 3 of this ordinance.

6 Section 5. Actions taken consistent with and prior to the effective date of this ordinance are hereby
7 ratified and confirmed.

8 Section 6. This ordinance shall take effect and be in force thirty (30) days from and after its
9 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
10 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

11 Passed by the City Council the ____ day of ____, 1998, and signed by me in open
12 session in authentication of its passage this ____ day of ____, 1998.

13
14 _____
President ____ of the City Council

15 Approved by me this ____ day of ____, 1998.

16
17 _____
Mayor

18
19 Filed by me this ____ day of ____, 1998

20
21 _____
City Clerk

22 (Seal)
23
24

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Title only ①

AN ORDINANCE relating to preemployment drug testing and the City's interim drug testing program; adopting a regular preemployment drug testing program for nonincumbent applicants for employment positions which include particular job duties; and authorizing the Executive Service Department to continue implementing the drug testing program.

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From: Gary Keese
To: Sea-Leg.CLERK.JPIPPIN
Date: 8/25/98 12:30pm
Subject: drug testing ordinance title

Here is the title.
When do yo need the text?
Thanks,

gary

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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From: Judith Pippin
To: mcarter
Date: 8/25/98 12:56pm
Subject: drug testing ordinance title -Forwarded

Margaret, here is Gary's title. Plz include on Referrals tomorrow. I told him we would need text by Monday . JP

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Title 5. My (2)

AN ORDINANCE relating to preemployment drug testing; affirming the City's interim drug testing program, adopting a regular preemployment drug testing program for nonincumbent applicants for employment positions which include particular job duties, adopting legislative findings regarding the need for preemployment drug testing, and authorizing the Executive Service Department to continue to implement the City's drug testing program..

By: C. Hoe

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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From: Gary Keese
To: jpippin
Date: 8/25/98 1:39pm
Subject: drug test title 2

ok, i changed it a little.

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TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Martha Choe

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

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STATE OF WASHINGTON - KING COUNTY

100412
City of Seattle, City Clerk

-SS.

No. & 119278 ORD

City of Seattle

TITLE-ONLY PUBLICATION
The full text of the following ordinances, passed by the City Council on December 7, 1998, and published here by title only, will be mailed, at no cost, upon request for two months after this publication. For further information, contact the Seattle City Clerk at 684-8344.

ORDINANCE NO. 119284

AN ORDINANCE relating to the Executive Services Department; authorizing execution of a lease agreement with the Washington State Department of Transportation for certain property below Interstate 5, south of the Charles Street maintenance shops complex.

ORDINANCE NO. 119283

AN ORDINANCE authorizing an expenditure from the Judgment/Claims Fund to be reimbursed by the Drainage and Wastewater Fund to settle the claim of Dorres and Francisco (C-63146), all by a two-thirds vote of the City Council.

ORDINANCE NO. 119281

AN ORDINANCE authorizing an expenditure from the Judgment/Claims Fund to be reimbursed by the Drainage and Wastewater Fund to settle the claim of Catania Revocable Living Trust (C-62927), all by a two-thirds vote of the City Council.

ORDINANCE NO. 119279

AN ORDINANCE authorizing an expenditure from the Judgment/Claims Fund to settle the claim of Liberty Mutual Insurance for Suyin Kao (C-62922), all by a two-thirds vote of the City Council.

ORDINANCE NO. 119278

AN ORDINANCE relating to preemployment drug testing; affirming the City's interim drug testing program, adopting a regular preemployment drug testing program for nonincumbent applicants for employment positions which include particular job duties, adopting legislative findings regarding the need for preemployment drug testing, and authorizing the Executive Service Department to continue to implement the City's drug testing program.

Publication ordered by JUDITH PIP-PIN, City Clerk.

Date of official publication in the Daily Journal of Commerce, Seattle, December 18, 1998. 12/18/100412

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CTOT: 119284, 82, ⁸¹21, 79, 78

was published on

12/18/98

The amount of the fee charged for the foregoing publication is the sum of \$, which amount has been paid in full.

Subscribed and sworn to before me on

12/18/98

Notary Public for the State of Washington,
residing in Seattle

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Affidavit of Publication